

Government

County Council passes legislation prohibiting firearm use, carrying within 100 yards of some public places

Bill could be challenged by second amendment groups

by **Steve Bohnel**

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Credit: Getty Images

This story was updated at 2 p.m. Nov. 15, 2022, to include more information about the bill.

The County Council voted 8-0 to approve a bill that prohibits the possession of firearms within 100 yards of some public places throughout the county, including those with wear and carry permits issued by Maryland

State Police.

County Council Member Tom Hucker (District 5) was absent from Tuesday's meeting, but he supported the legislation when it was passed last month in the council's Public Safety committee, 3-0. County Council President Gabe Albornoz and other council members said the bill was needed in light of recent shootings, including one at Clyde's Restaurant in Chevy Chase earlier this week.

The bill specifically delineates where firearms would be prohibited. According to the bill, the places of public assembly include: a park; place of worship; school; library; recreational facility; hospital; "community health center including any health care facility or community-based program licensed by the Maryland Department of Health;" "[a] long-term facility including any licensed nursing home, group home, or care home;" and a

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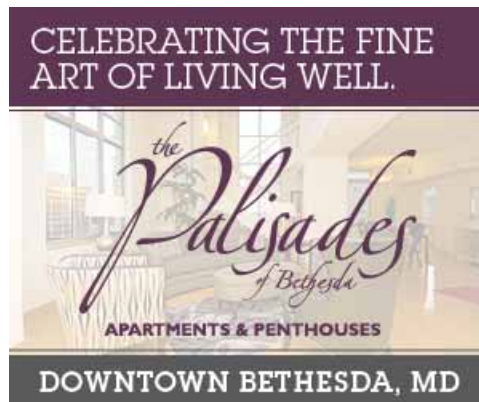
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It also includes government buildings or government-owned property, polling places and other facilities. Law enforcement officers are exempted, and the bill is effective as law once County Executive Marc Elrich (D) signs it, said Christine Wellons, the County Council's lead attorney.

Rich Madaleno, the county's chief administrative officer, told Bethesda Beat he believes Elrich will sign the bill.

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Before the Tuesday vote, Albornoz (at-large) said that recent events — including a fatal shooting of multiple football players at the University of Virginia, and the shooting at Clyde's — has him and colleagues concerned about gun violence, and the number of guns in the county, state, and country.

Albornoz said he's heard criticism that "more policy" is not the answer. But he added that many firearms that county police are recovering and obtaining are coming from places where gun laws are less restrictive. He believes, as do other council members, that more guns are not the answer.

"As the parent of four children, this is not the world I want my kids growing up in," said Albornoz, who was lead sponsor of the bill.

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Albornoz told Bethesda Beat after the vote that a violation of the law would result in a fine. Kristin Tribble, a senior legislative aide to Albornoz, wrote in an email that a violation would “be a misdemeanor, punishable by fine up to \$1000 and/or 6 months in jail.”

The bill could potentially face a legal challenge from second-amendment rights groups in the state, including Maryland Shall Issue. That group, and other opponents, has said that the council’s bill would be in violation of county residents’ Second Amendment rights, especially given the Supreme Court’s recent ruling in *New York State Rifle & Pistol Association, Inc., et al. v. Bruen*. That ruling was hailed as a victory for concealed carry supporters in the state of New York.

But Albornoz told Bethesda Beat that he and colleagues worked extensively with the county attorney’s office to make sure the bill aligned with the findings in *Bruen*.

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If it is challenged in court, council members would work with the Montgomery County State’s Attorney’s office, Maryland Attorney General’s office and county attorney’s office to defend the new law, the council president added.

“We believe we’re on solid ground,” Albornoz said.